

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERIC GEROLD,

No. C 07-5493 JL

Plaintiff,

v.

**REFERRAL FOR REASSIGNMENT
AND RECOMMENDATION**

YAKIMA MEMORIAL,

Defendants.

Plaintiff filed his complaint on October 29, 2007, along with his application for leave to file *in forma pauperis* ("IFP"). However, Plaintiff's application was incomplete, in that he omitted the source and amount of his income. He checked "Yes" that he receives income from "Federal or State welfare payments, Social Security or other government source," but did not specify the type or amount of the monthly payment.

The Court therefore denied Plaintiff's application without prejudice, and gave him a one-month extension to complete his application by stating the source and amount of his monthly income. Plaintiff also checked "Yes" that he has a bank account, and identified Wells Fargo as his bank, but failed to enter an amount. The Court also ordered Plaintiff to provide that information. Plaintiff likewise checked "Yes" that his complaint which he is seeking to file raises claims that have been presented in other lawsuits, but does not list the

1 case names and numbers of the prior lawsuits and the names of the courts in which they
2 were filed. The Court ordered Plaintiff to provide this as well.


3 The Court ordered Plaintiff to provide the information listed above on or before
4 December 31, 2007, and advised him that If he failed to do so, the Court would refer his
5 case for reassignment to a district judge, with the recommendation that the IFP application
6 be denied.

7 On December 31, 2007, the copy of the Court's order mailed to Plaintiff on
8 December 3, 2007 was returned as undeliverable. The Court held the initial case
9 management conference on February 6, 2008, but Plaintiff did not appear.

10 Neither party has consented to this Court's jurisdiction, pursuant to 28 U.S.C.
11 §636(c). Accordingly, this Court refers the case for reassignment with the recommendation
12 that Plaintiff's IFP application be denied, and the case be dismissed without prejudice
13 pursuant to Rule 41(a)(2), Federal Rules of Civil Procedure.

14 IT IS SO ORDERED.

15 DATED: February 7, 2008

16 

17 James Larson
18 Chief Magistrate Judge
19
20

21 G:\JLALL\CHAMBERS\CASES\CIVIL\07-5493-ref-reassignment.wpd
22
23
24
25
26
27
28